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let me beg of you to loose not a Moment, but be as Expeditious as possible and bring out as Many Goods in the Brig as She will hold. Now is the time to Strick a bold Strock depend upon it you will Never have such another to Make Money by dry Goods in this Country.

Oznabrigs and Canvas a large q<sup>ty</sup> [quantity of] Course Linens, Checks, Sheetings, handfs, Stockings, and every necessary article a large and full assortment of goods, Nails etc. bring as many as you can get credit for.

If Gibsons Sloop is at Glasgow, I would wish him Loaded also. If you wish bring 20 M<sup>l</sup> Steg<sup>1</sup> I am certain they could be sold of Instantly and to Advantage, have them insur'd that in case of accident the creditors May be Safe.

As soon as Matters is a little Settled here, I expect to be a Considerable remitter. I have 1300 £ Steg from the Birth [?] will be due in a few Months and the like sum from Calderhead, besides 1000 £ owing me in Norfolk and which is owing me in the country. If we could have a Meeting and any Sort of payments I expect to Remit a large Sum. I am afraid McRenals lost he has never been heard of Since he Saild from the W Ind the 30th Augt for Norfolk. the Agatha<sup>2</sup> is Never yet Arrived. I am afraid he will be a long time detained in Lebay [?].

Aga<sup>3</sup> is perfectly Recoverd Since you left us I thank God And we are all in good health. Remember us all to My Mama and Sisters and all Friends I am Dear Jack

Your Affect Brother

ROBERT SHEDDEN

[Addressed:] To

Mr John Shedden Jnr  
Glasgow

[Endorsed:] Robt Shedden

(intelligence and inimical)

No 5

Nov 20<sup>th</sup> 1775

#### 4. Letter of John Marshall to James Wilkinson, 1787

FOR the following letter we are indebted to Colonel Reuben T. Durrett, LL.D., of Louisville, Kentucky. Colonel Durrett writes: "This letter was written to General James Wilkinson, at that time a resident of Kentucky, although his name does not appear in the address. His name and address were on the envelope, which has since been destroyed." The letter, as Colonel Durrett intimates,

<sup>1</sup> Twenty thousand pounds sterling.

<sup>2</sup> The sloop *Agatha*, Captain Wilson, was on her way from the West Indies. Upon her arrival she was seized for violation of the non-importation agreement. Force's *Archives*, fourth series, IV. 109, 126, 128.

<sup>3</sup> Agatha, wife of Robert Shedden. Their marriage bond, dated August 30, 1768, is calendared in the *Lower Norfolk County Virginia Antiquary*, IV. 57.

shows a kindly feeling between writer and recipient that Humphrey Marshall the historian, John Marshall's cousin, would hardly have been willing to admit. He also calls attention to the efforts which Colonel Thomas Marshall, father of John, made in 1791 toward securing Wilkinson's reappointment to the army of the United States. Colonel Marshall, however, it should be said, gives as a reason for this that Wilkinson was a dangerous man while not engaged, but that the danger might be removed by giving him employment. Colonel Durrett suggests that possibly John Marshall may have been moved by similar considerations in trying to obtain for him a passport out of the United States. The governor of Virginia in January, 1787, was Edmund Randolph.

RICHMOND, Jan. 5th, 1787

*Dear Sir,*

It is with a great deal of mortification I tell you that I have failed in obtaining the passport I applied for. On my mentioning the subject to the Governor he said he was acquainted with you and would with great pleasure do any thing which was proper to serve you. He took time to consider the subject and after several applications, told me to-day that to grant the passport as an official act was entirely improper because it could only extend to the limits of Virginia to which you had a right to go without his permit and that he could not write a private letter of recommendation to the Governor without having some acquaintance with him. On these reasons sir, my application in your favor was rejected. I am much chagrined at my disappointment.

I am much indebted to you for the clear and succinct account you have given me of the two expeditions against the Indians. I fear with you that so long as you remain connected with Virginia it will be absolutely impossible to act on any great occasion with reputation or success. Just information from such a distance will never be obtained by government without a solicitude about intelligence which seldom exists in a proper degree on the eve of a separation. You are considered as being certainly about to part with us and therefore less attention will be given to any regulations respecting your country than if the disunion was not expected.

All is gloom in the eastern states. Massachusetts is rent into two equal factions and an appeal I fear has by this time been made to the God of battles. Three of the leaders of the opponents to Government have been taken and imprisoned in Boston. The whole force of the party is collected for their relief. The last intelligence gives us reason to fear that before this time the attempt to relieve them has been made with the whole power of one party and opposed by the whole power of the other. But of this I suppose you receive better information than I can give you. We have contradictory accounts of the motives and views of the insurgents. We are sometimes informed that they are a British

faction supported secretly from Canada whose immediate object is to overthrow the present and restore the former government, at other times we are told that it is a mere contest for power between Bowdoin and Hancock and that the Hancock faction are aiming at the destruction of all public securities and the subversion of all public faith. Whatever may be the cause of these dissensions or however they may terminate, in their present operation they deeply affect the happiness and reputation of the United States. They will, however, I presume tend to people the western world if you can govern yourselves so wisely as to present a safe retreat to the weaker party. These violent, I fear bloody, dissensions in a state I had thought inferior in wisdom and virtue to no one in the union, added to the strong tendency which the politics of many eminent characters among ourselves have to promote private and public dishonesty cast a deep shade over that bright prospect which the revolution in America and the establishment of our free governments had opened to the votaries of liberty throughout the globe. I fear, and there is no opinion more degrading to the dignity of man, that these have truth on their side who say that man is incapable of governing himself. I fear we may live to see another revolution.

I am dear sir, with high esteem and respect,

Your obed't serv't.

JOHN MARSHALL

### 5. *Gilman v. McClary: a New Hampshire Case of 1791*

PLUMER in his *Life of William Plumer* (pp. 170-172) refers to a New Hampshire case of 1791 in which an act of the legislature was declared unconstitutional but says: "Beyond a brief notice of it in my father's papers, I am not aware that any report of the case is to be found." A brief record of the decision in this case has been found among the records of the Superior Court of Judicature, for Rockingham County, at Exeter, N. H.

During the Revolution trials by the legislature were frequent in New Hampshire. This practice was continued after the adoption of the Constitution of 1784, and the General Assembly ("General Court") assumed for a time the position of a court of appeal. Legislative interference in judicial matters usually assumed the form of a special act "restoring the party to his law", *i. e.*, granting him a new trial in the Superior Court.

In 1789 Nathaniel Gilman sued Elizabeth McClary for a certain sum of money alleged to be due to him. Upon agreement of the parties the matter was submitted to referees, who decided against Elizabeth McClary, and the Superior Court entered judgment against her. The following extracts from the House and Senate